

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Annex
4041 North Richards Street
PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-229-0800
FAX 414-229-0810

April 20, 2000

Mr. Art Filter
Filter Oil Co.
O.O. Box 405
Cedarburg, WI 53012

Subject: Closure of the Filter Oil Company site, N51 W5358 Portland Road, Cedarburg,
WI **WDNR FID #246053610 BRRTS#0246001071 and 0346004700**

Dear Mr. Filter:

On October 20, 1999, the Wisconsin Department of Natural Resources granted conditional closure for the above-referenced site. The conditions presented in that letter (receipt by the Department of groundwater well abandonment forms and copy of the groundwater use restriction) were met on March 9, 2000, and therefore the Department considers the site closed in accordance with ch. NR 726.05(8)(am), Wis. Adm. Code.

The above-referenced BRRTS numbers refer to two activities that were tracked on the Department's tracking system. BRRTS #0246001071 refers to the release of diesel fuel by J.J. Transport in September, 1993. That spill was caused by overfilling of an aboveground storage tank. During investigation of that spill, additional releases were identified related to the aboveground and underground storage tanks located at the site. A new BRRTS number was issued for the releases related to the tanks, #0346004700. Remedial activities addressed all releases, and both tracked activities are now closed on the Department's tracking system.

The Department appreciates your efforts to restore the environment at the Filter Oil site. If you have any further questions, please contact me at (414) 229-0874.

Sincerely,

Nancy D. Ryan
Hydrogeologist

Cc: SER site file
Robert Sanborn, Northern Environmental
Linda Michalets, Department of Commerce

652297

VOL 1230 PAGE 712
RECORDED

Document Number

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: An irregularly shaped parcel of land being in the Southeast Quarter of the Southwest Quarter of Section 26, Township 10 North, Range 21 West, Town of Cedarburg, Ozaukee County, Wisconsin, more particularly described as follows:

Beginning at the intersection of the south line of said Section 26 and the southeasterly station ground line of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company; thence northeasterly along said southeasterly station ground line to the north line of Northern Avenue; thence continuing along said southeasterly station ground line 340 feet; thence northwesterly at right angles to the last described line to a point 50 feet southeasterly of as measured radially from the centerline of the aforementioned former Railroad Company's main track; thence southwesterly along a line parallel to and 50 feet southeasterly of as measured radially to said main track centerline to a point on the south line of the aforementioned Section 26; thence easterly along said south line to the point of beginning.

STATE OF WISCONSIN)
) ss
COUNTY OF Ozaukee

Recording Area

Name and Return Address
Northern Environmental Technologies,
Incorporated
1214 West Venture Court \$14⁰⁰
Mequon, Wisconsin 53092

13-050-18-00-002 *
Parcel Identification Number (PIN)

WHEREAS, Jack Dunfee is the owner of the above-described property.

WHEREAS, one or more gasoline discharges have occurred at this property. Gasoline-contaminated ground water above NR 140 enforcement standards exists on this property at the following location(s): as of August 1999, concentrations of benzene exceeding the NR 140, Wis. Adm. Code enforcement standard concentrations (63 µg/l) were found on the property in the ground-water monitoring sump (see Parcel 3 in attached Figure 1).

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional soil or groundwater remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if ground water is to be otherwise extracted from this property, while this ground-water use restriction is in effect, the ground water shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted ground water shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 26th day of January, ~~19~~ 2000

Signature: [Signature]

Printed Name: Jack R. Ruffe

Subscribed and sworn to before me
this 26th day of January, ~~19~~ 2000

[Signature]
Notary Public, State of Wisconsin

My commission expires July 16 2000

This document was drafted by the Wisconsin Department of Natural Resources.

652298

VOL 1230 PAGE 715
RECORDED

Document Number

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

2000 FEB 29 AM 10: 25

In Re: Part of Lot 16, Block 18 Assessor's Plat of the City of Cedarburg, Ozaukee County, Wisconsin, located in the Southwest ¼ of Section 26, Town 10 North, Range 21 East, bounded and described as follows: Commencing at a point in the South line of said ¼ Section 680.85 feet S. 87° 21' 45" W. of the Southeast corner therefrom; thence N. 2° 38' 15" W. 231.99 feet to a point; thence N. 47° 38' 15" W. 54.23 feet to a point in the Southeasterly line of the Chicago, Milwaukee and St. Paul right of way; thence S. 42° 21' 45" W. along said right of way 382.30 feet to a point in said South line of said ¼ Section; thence N. 87° 21' 45" E. along said South line 308.67 feet to the point of commencement. Excepting therefrom the Southerly 33.00 feet reserved for public street purposes.

Ronald H. Voigt
REGISTER OF DEEDS
OZAUKEE COUNTY, WI

Recording Area

Name and Return Address
Northern Environmental Technologies,
Incorporated
1214 West Venture Court
Mequon, Wisconsin 53092

\$14

STATE OF WISCONSIN)
) ss
COUNTY OF Ozaukee

13-050-18-16-003 *

Parcel Identification Number (PIN)

WHEREAS, Jack Dunfee is the owner of the above-described property.

WHEREAS, one or more gasoline discharges have occurred at this property. Gasoline-contaminated ground water above NR 140 enforcement standards exists on this property at the following location(s): as of August 1999, concentrations of methyl-tert-butyl ether exceeding the NR 140, Wis. Adm. Code enforcement standard concentrations (110 µg/l) were found on the property in the ground-water monitoring well DW-2 (see Parcel 1 in attached Figure 1).

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional soil or groundwater remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if ground water is to be otherwise extracted from this property, while this ground-water use restriction is in effect, the ground water shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted ground water shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 25 day of Feb, 2000.

Signature:

Printed Name:

Jack Dunfee
Jack Dunfee

Subscribed and sworn to before me

this 25 day of February 2000

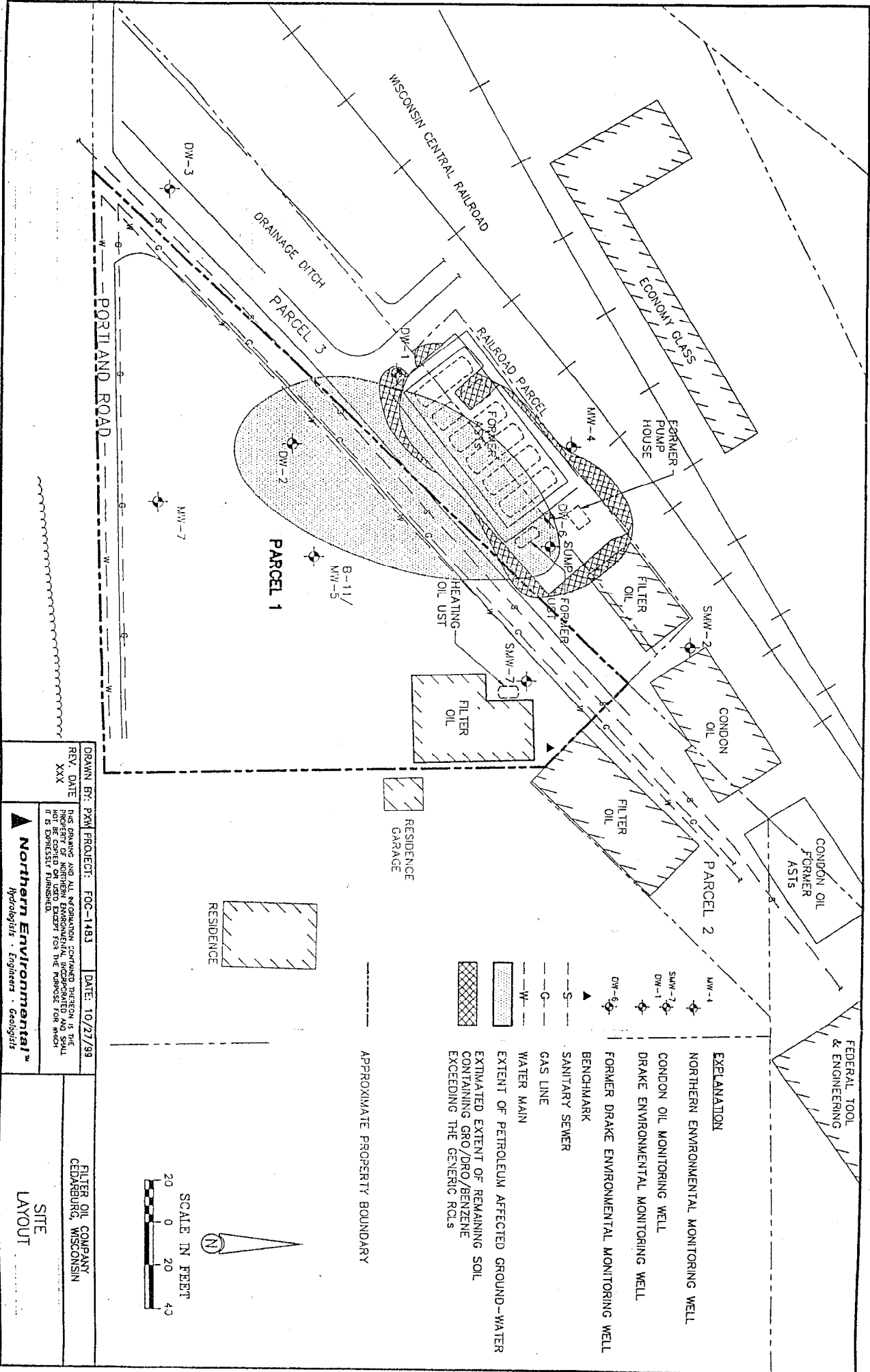
Wanda H. O.

Notary Public, State of WI

My commission 9.14.03

This document was drafted by the Wisconsin Department of Natural Resources.

K:\CAO\NET\DWG\F00131483\112309-1.DWG



REV. DATE
XXX
DRAWN BY: PXM PROJECT: F00-1483 DATE: 10/27/98
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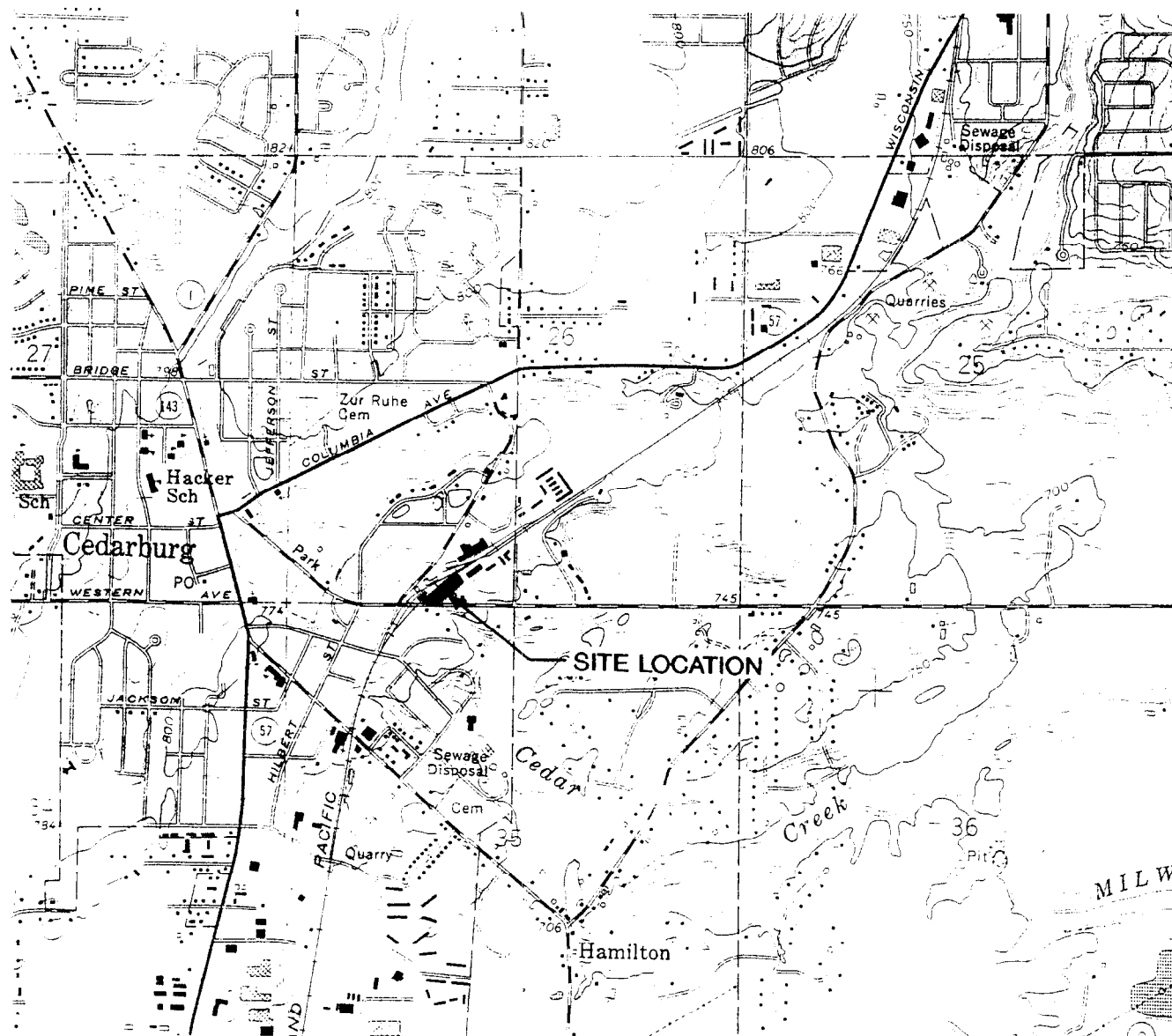
FLITER OIL COMPANY
CEDARBURG, WISCONSIN

SITE
LAYOUT

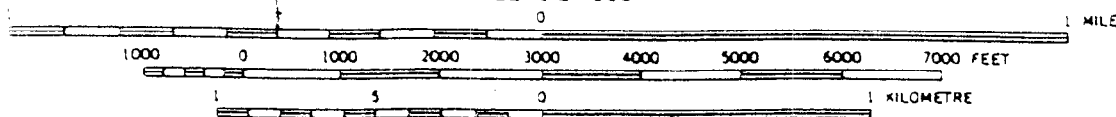
FIGURE 1

- EXPLANATION**
- NORTHERN ENVIRONMENTAL MONITORING WELL
 - CONDON OIL MONITORING WELL
 - DRAKE ENVIRONMENTAL MONITORING WELL
 - FORMER DRAKE ENVIRONMENTAL MONITORING WELL
 - BENCHMARK
 - SANITARY SEWER
 - GAS LINE
 - WATER MAIN
 - EXTENT OF PETROLEUM AFFECTED GROUND-WATER
 - EXTIMATED EXTENT OF REMAINING SOIL CONTAINING GRO/DRO/BENZENE EXCEEDING THE GENERIC RCLs

APPROXIMATE PROPERTY BOUNDARY



SCALE 1:24 000



CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929



BASE MAP SOURCE: USGS 7.5 MINUTE QUADRANGLE TOPOGRAPHIC MAP,
CEDARBURG, WISCONSIN, 1969, PHOTO REVISITED, 1971 AND 1976

REV	PROJECT: FOC131483	DATE: 09/05/96
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▲ Northern Environmental

Hydrologists • Engineers • Geologists

CEDARBURG, WISCONSIN

SITE LOCATION AND LOCAL TOPOGRAPHY

FIGURE 1

Table 2 Ground-Water Laboratory Analytical Results, Filter Oil Company, Cedarburg . Wisconsin

Monitoring Well Number	Date Collected	Diesel Range Organics	Gasoline Range Organics	Detected Volatile Organic Compounds (micrograms per liter)													
				Benzene	Ethylbenzene	Toluene	Xylenes	Methyl-Tertiary-Butyl-Ether	Trimethyl-benzenes	n-Butyl-benzene	sec-Butyl-Benzene	1,2 Dichloro-ethane	Isopropyl-benzene	p-Isopropyl-toluene	Naphthalene	n-Propyl-benzene	Lead
DW-1	11/29/93	2800	-	-	7.2	7.3	15	-	-	-	-	-	-	-	-	-	-
	12/14/94	3.3	3100	5.4	11	<5.0	23	1.7	100	-	-	-	-	-	-	-	-
	04/03/96	8000	1700	-	9.8	0.75	27	190	66	16	11	<0.88	9.9	7.7	16	14	<3
	09/16/97	-	-	13	<13.5	<30	<38	-	<20	-	-	-	-	-	-	-	-
	12/17/97	-	-	-	<0.68	<1.5	1.0	-	13	-	-	-	-	-	-	-	-
	12/17/97	-	-	-	<0.68	<1.5	1.0	-	13	-	-	-	-	-	-	-	-
	03/03/98	-	-	-	<0.68	<1.5	1.0	-	13	-	-	-	-	-	-	-	-
	06/10/98	-	-	-	<0.34	0.44	1.1	-	12	5.4	-	-	-	-	-	-	-
04/12/99	-	-	0.48"J"	<0.34	<0.35	<1	6.9	2.2	-	-	-	-	-	-	-	-	
DW-2	11/29/93	740	-	-	<0.5	<0.5	<0.5	11	0.84	-	-	-	-	-	-	-	-
	12/14/94	<0.1	<50	<1.0	<1.0	<1.0	<3.0	8.3	<2.0	-	-	-	-	-	-	-	16
	12/14/94	<0.1	<50	<1.0	<1.0	<1.0	<3.0	7.8	<2.0	-	-	-	-	-	-	-	-
	04/03/96	<100	<100	<0.28	<0.32	<0.89	<0.42	-	<1.14	<0.45	<0.49	<0.88	<0.38	<0.46	<0.41	<0.41	<3
	09/16/97	-	-	<0.21	<0.68	<1.5	<1.8	76	<1.88	-	-	-	-	-	-	-	-
	12/17/97	-	-	<0.21	<0.68	<1.5	<1.8	310	<1.88	-	-	-	-	-	-	-	-
	03/03/98	-	-	<0.21	<0.68	<1.5	<1.8	200	<1.88	-	-	-	-	-	-	-	-
	06/10/98	-	-	<0.32	<0.34	<0.35	<0.35	150	0.38	-	-	-	-	-	-	-	-
04/12/99	-	-	<0.32	<0.34	<0.35	<1	110	<1.0	-	-	-	-	-	-	-	-	
DW-3	11/29/93	230	-	<0.5	<0.5	<0.5	<0.5	<5.0	<0.5	-	-	<0.05	-	-	-	-	-
	12/14/94	<0.1	<50	<1.0	<1.0	<1.0	<3.0	<1.0	<2.0	-	-	-	-	-	-	-	-
	04/03/96	<100	<100	<0.26	<0.32	<0.69	<0.42	<0.22	<1.14	<0.45	<0.49	<0.88	<0.38	<0.46	<0.41	<0.41	<3
	09/16/97	-	-	<0.21	<0.68	<1.5	<1.8	<0.21	<1.88	-	-	-	-	-	-	-	-
	12/17/97	-	-	<0.21	<0.68	<1.5	<1.8	<0.21	<1.88	-	-	-	-	-	-	-	-
	03/03/98	-	-	<0.21	<0.68	<1.5	<1.8	<0.21	<1.88	-	-	-	-	-	-	-	-
06/10/98	-	-	<0.32	<0.34	<0.35	<1.0	<0.31	<1.05	-	-	-	-	-	-	-	-	
DW-6**	11/29/98	8800	76000	9300	<10000	1100	2300	29000	<500	-	-	540	-	-	-	-	-
	11/29/98	9100	70600	10000	<10000	1200	2600	27000	<500	-	-	540	-	-	-	-	-
	04/03/96	31000	120000	27000	1100	7900	5500	16000	1230	150	<98	410	<72	<92	430	98	<10
	04/03/96	-	-	28000	1200	8100	5400	16000	1180	110	<98	420	<72	<92	420	92	<7
MW-4	04/03/98	800	240	12	0.41	1.8	5.2	4.8	7.1	6.1	4.8	-	2.1	1.6	3.3	1.3	<3
	09/16/97	-	-	<0.21	<0.68	<1.5	<1.8	<0.21	<1.88	-	-	-	-	-	-	-	-
	12/17/97	-	-	<0.21	<0.68	<1.5	<1.8	<0.21	<1.88	-	-	-	-	-	-	-	-
	03/03/98	-	-	<0.21	<0.68	<1.5	<1.8	<0.21	<1.88	-	-	-	-	-	-	-	-
	08/10/98	-	-	<0.32	<0.34	<0.35	<1	<0.31	<1.0	-	-	-	-	-	-	-	-
MW-6	04/03/98	<100	<100	<0.28	0.44	0.7	2.87	0.34	3.47	1.2	0.98	<0.88	<0.38	1	1.0	<0.41	<3
	09/16/97	-	-	<0.21	<0.68	<1.5	<1.8	<0.21	<1.88	-	-	-	-	-	-	-	-
	12/17/97	-	-	<0.21	<0.68	<1.5	<1.8	<0.21	<1.88	-	-	-	-	-	-	-	-
	03/03/98	-	-	<0.21	<0.68	<1.5	<1.8	<0.21	<1.88	-	-	-	-	-	-	-	-
	06/10/98	-	-	<0.32	<0.34	<0.35	<1.0	<0.31	<1.0	-	-	-	-	-	-	-	-
08/10/98	-	-	<0.32	<0.34	<0.35	<1.0	<0.31	<1.0	-	-	-	-	-	-	-	-	

Table 2 Ground-Water Laboratory Analytical Results, Filter Oil Company, Cedarburg . Wisconsin

Monitoring Well Number	Date Collected	Diesel Range Organics	Gasoline Range Organics	Detected Volatile Organic Compounds (micrograms per liter)														Lead
				Benzene	Ethylbenzene	Toluene	Xylenes	Methyl-Tertiary-Butyl-Ether	Trimethyl-benzenes	n-Butyl-benzene	sec-Butyl-benzene	1,2 Dichloro-ethane	Isopropyl-benzene	p-isopropyl-toluene	Naphthalene	n-Propyl-benzene		
MW-7	06/14/99	-	-	<0.25	<0.32	<0.38	<1.04	<0.21	<0.70	-	-	-	-	-	-	-	-	
	06/14/99	-	-	<0.25	<0.32	<0.38	<1.04	<0.21	<0.70	-	-	-	-	-	-	-	-	
SUMP	05/15/97	-	-	190	<0.68	<1.5	3.3	73	<1.68	-	-	-	-	-	-	-	-	
	12/17/97	-	-	380	<0.68	<1.5	<1.8	73	<1.68	-	-	-	-	-	-	-	-	
	03/03/98	-	-	190	<0.68	<1.5	<1.8	73	<1.68	-	-	-	-	-	-	-	-	
	03/03/98	-	-	190	<0.68	<1.5	<1.8	73	<1.68	-	-	-	-	-	-	-	-	
	06/10/98	-	-	120	<0.34	<0.35	2.2	73	<1.0	-	-	-	-	-	-	-	-	
	06/10/98	-	-	140	<0.35	<0.35	2.5	73	<1.0	-	-	-	-	-	-	-	-	
	04/12/99	-	-	63	1.3	22	3.6	87	3.6	-	-	-	-	-	-	-	-	
SMW-2	12/08/94	250	<50	<1.0	<1.0	<1.0	<1.0	<1.0	<2.6	<1.0	<1.0	-	<1.0	<1.0	<1.0	<1.0	-	
	09/07/95	-	-	<0.5	<0.6	<0.8	<1.7	<27	<1.7	-	-	-	-	-	-	-	-	
	05/27/96	-	<50	<0.08	<1.0	<1.0	<3.0	<1.0	<2.0	-	-	-	-	-	-	-	-	
	07/29/97	-	<50	<0.16	<0.29	<0.36	<1.15	<0.20	<0.64	-	-	-	-	-	-	-	-	
	12/17/97	-	<50	<0.16	<0.29	<0.36	<0.21	0.23	<0.64	<0.34	-	-	-	-	-	-	1.6	
	05/14/98	-	<50	<0.13	<0.22	<0.20	<0.23	<0.80	<0.51	-	-	-	-	-	-	-	<1.6	
SMW-7	09/07/95	1100	81	<0.5	<0.6	<0.8	<2.3	<2.7	<2.6	<1.9	<1.5	<1.1	<0.8	<1.3	<1.0	<0.8	-	
	04/03/96	<100	<100	<0.28	<0.32	<0.69	<0.42	<0.22	<1.14	<0.45	<0.49	<0.88	<0.36	<0.46	<0.41	<0.41	-	
	08/27/96	-	<50	<0.5	<1.0	<1.0	<3.0	<1.0	<2.0	-	-	-	-	-	-	-	<3	
	07/06/97	-	<50	<0.16	<0.29	<0.36	<1.15	<0.20	<0.64	-	-	-	-	-	-	-	-	
	12/17/97	-	<50	<0.16	<0.29	<0.36	<0.21	<0.20	<0.64	-	-	-	-	-	-	-	3.4	
	03/14/98	-	<50	<0.13	<0.27	<0.20	<0.23	<0.16	<0.64	-	-	-	-	-	-	-	<1.6	
	06/14/99	-	-	<0.25	<0.32	<0.38	<1.04	<0.21	<0.70	-	-	-	-	-	-	-	<0.89	
	06/14/99	-	-	<0.25	<0.32	<0.38	<1.04	<0.21	<0.70	-	-	-	-	-	-	-	-	
NR 140, Wis. Adm. Code ES		NS	NS	5	700	343	620	60	480	NS	NS	5	NS	NS	40	NS	15	
NR 140, Wis. Adm. Code PAL		NS	NS	0.5	140	68.6	124	12	96	NS	NS	0.5	NS	NS	8	NS	1.5	

NOTE:

NOTE:

-- = Abandoned - Removed

- = not analyzed

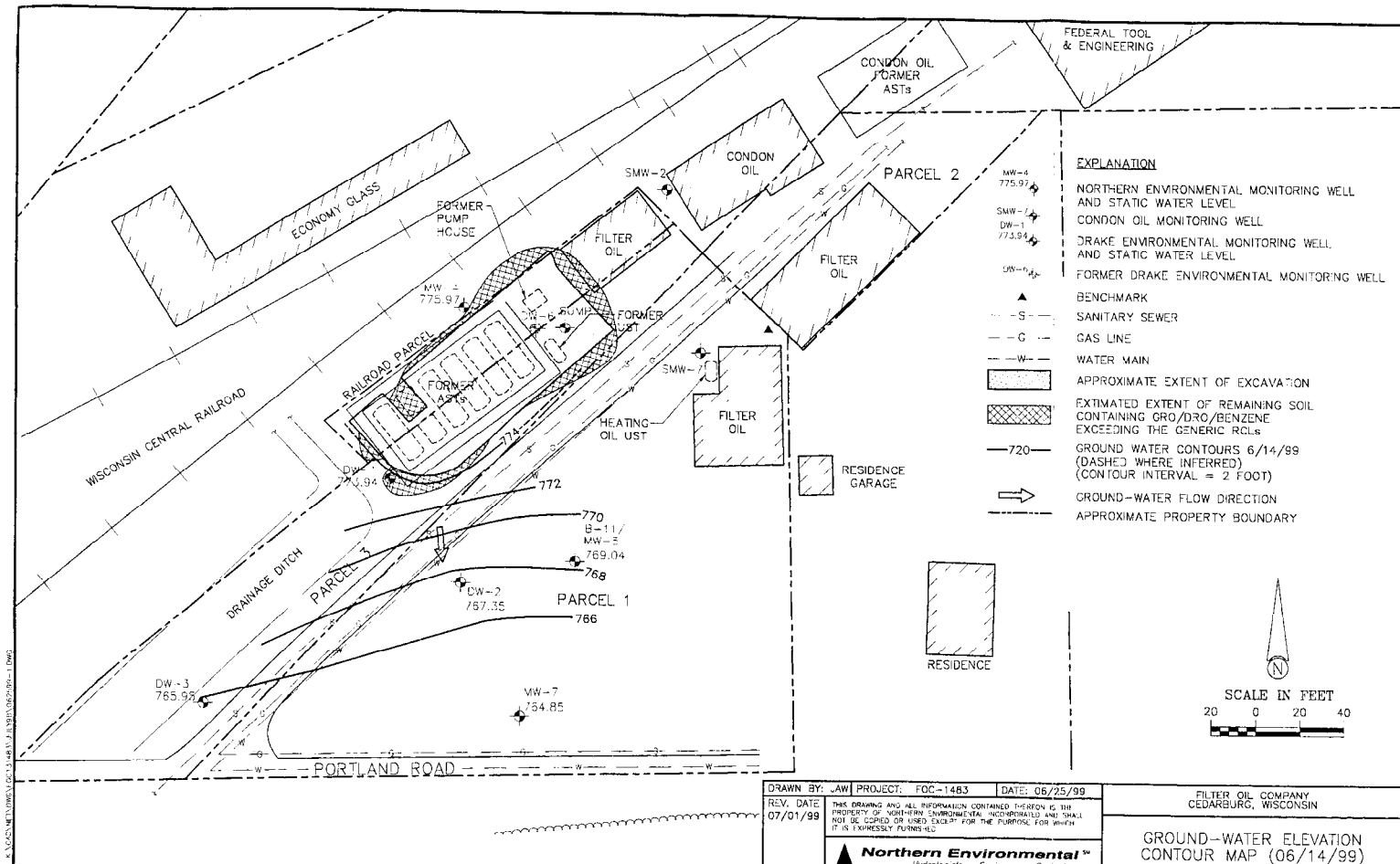
< = concentration less than method detection limit

= duplicate sample

NS = No standard established under Chapter NR 140, Wis. Adm. Code

XXX = Exceeds Chapter NR 140, Wisconsin Administrative Code (NR 140, Wis. Adm. Code) preventive action limit (PAL)

XXX = Exceeds NR 140, Wis. Adm. Code enforcement standard (ES)



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DRAWN BY: JAW PROJECT: FOC-1483 DATE: 06/25/99
REV. DATE: 07/01/99

Northern Environmental
Hydrologists • Engineers • Geologists

FILTER OIL COMPANY
CEDARBURG, WISCONSIN

**GROUND-WATER ELEVATION
CONTOUR MAP (06/14/99)**